

**REMARKS**

The Final Office Action mailed from the Patent Office on July 19, 2006, and the Advisory Action mailed November 01, 2006, have been reviewed and the Examiner's comments carefully considered. Prior to this paper, claims 13-31, 33-35, 38-46 and 51 were pending, with claims 21-32, 34, 36, 38 and 41-46 being withdrawn. By this paper, Applicants do not cancel any claims, and add claims 52-56. Therefore, claims 13-31, 33-35, 38-46 and 51-56 are now pending.

Applicants respectfully submit that the present application is in condition for allowance for at least the reasons that follow.

**Interview of November 21, 2006**

Examiner Cole is thanked for extending the courtesy of an interview to Applicants' representative on November 21, 2006, where it was agreed that if the claims were amended to recite particular structure relating to Fecralloy® (an alloy disclosed in the specification), the claims would likely overcome the art of record.

In view of the interview held on November 21, 2006, Applicants submit that the Interview Summary (a copy of which is attached in Appendix A) provides a complete and proper recordation of the substance of the interview, per MPEP §713.04.

**Claim Rejections Under 35 U.S.C. § 103(a)**

In the Office Action, claims 1-8, 12-20, 33, 35, 37, 39, 40, and 48-51 stand rejected under 35 U.S.C. §103 as being obvious in view of EP 0329863 when combined with EP 0628146 and Krupnik et al. (U.S. Patent No. 6,298,538), while claims 35 and 37 stand rejected under the same statute in view of the combination of EP 0329863 with EP 0628146, with Krupnik, and with De Bruyne (U.S. Patent No. 5,088,919).

In a previous Response, Applicants canceled some of the rejected claims. Applicants hereby further amend the remaining claims, as seen above, in order to advance prosecution, and without prejudice or disclaimer, and respectfully submit that the claims are allowable for at least the reason that no cited reference teaches a filter as claimed that includes stainless steel fibers that are *made from a high temperature alloy*.

Support for the amendments to the claims may be found on page 2, lines 21-27 of the application as originally filed. Specifically, the application teaches that heat-resistant stainless steel fiber bundles incorporated in the fiber web may be composed of Fecralloy®. It is well known that Fecralloy® is a high temperature alloy.

Applicants respectfully request allowance of the present application.

#### **New Claims**

As seen above, Applicants have added new claims 52-56. These claims depend from claim 13 and are allowable for at least this reason. These claims are allowable for the additional reason that none of the cited references disclose or suggest a filter including stainless steel fibers made from a high temperature oxidation resistant alloy (claim 52), stainless steel fibers made from a superalloy (claim 53), stainless steel fibers having an elemental composition selected from the group consisting essentially of Al, Cr, Y and a balance Fe (claim 54), stainless steel fibers having an elemental composition of 22% by weight Cr, about 5-6% by weight Al, an addition of Y, the balance being Fe (claim 55), and stainless steel fibers have an elemental composition consisting essentially of Al, Cr, and a balance Fe.

Support for these amendments may be found on page 2 of the specification as originally filed. Specifically, it is known that the alloy Fecralloy® includes the newly recited features, as is evinced by the web-site printouts provided in Appendix B of this paper. Support for the recitations added to the independent claims and the new claims 52 and 53

may be found in the encircled text of Appendix B identified by an “\*”, while support for new claims 54-56 may be found in the tables in Appendix B.

### **Request for Rejoinder of Withdrawn Claims**

Claims 21-31, 34, 38, 41-46 stand withdrawn. Applicants submit that the remaining claims are *method claims drawn to a method of making an apparatus along the lines of the considered claims*. Pursuant to MPEP § 821.04 and *In re Ochiai*, 71 F.3d 1565 (Fed. Cir. 1995), it is respectfully requested that these claims be rejoined and considered, since MPEP § 821.04 states that “when a product claim is found allowable, applicant may present claims directed to the process of making and/or using the patentable product.”

In view of the above, Applicants note that of the withdrawn claims, claims 21, 27, 33, 34 and 41-46 ultimately depend from claim 13. Applicants respectfully request that these claims be rejoined and allowed at least due to their dependency from claim 13, a claim that is allowable.

As to the remaining claims, Applicants submit that these claims are allowable for at least the reasons that make the claims under consideration allowable. Applicants respectfully submit that no significant burden is placed on the PTO by rejoining and examining all the withdrawn claims. Indeed, many of the withdrawn claims explicitly recite recitations consistent with the above arguments. (For example, claim 22 affirmatively recites that the membrane is not sintered and that the fiber is made from a high temperature alloy.)

### **Prior Arguments**

In the interests of brevity, Applicants have not repeated all of their prior arguments relating to the patentability of the present claims. Applicants hereby incorporate those prior arguments herein by reference in their entirety.

**Conclusion**

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Examiner Cole is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

Respectfully submitted,

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